

REMARKS***Status of the claims***

Claims 1, 3, 4, 6-10, 12, 14, 15, 17-19, 33, 35-39, 65-83, 85, 86 and 88-110 are pending in the present application. By virtue of this response, claim(s) 9, 35, 36, 66-68, 70-72, 74, 75, 77-82, 85, 86, 88, 89, 91, and 92 have been amended. Support for the amendments to the claims may be found in the specification, for example, on page 17, lines 11-16. No new matter has been added.

With respect to any claim amendments or cancellations, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Telephone interview

Applicants would like to thank the Examiner for the helpful telephone call on August 17, 2004 with Applicants' representative, during which the claim rejection was discussed. Applicants appreciate the helpful suggestion by the Examiner with regard to responding to the rejection.

Supplemental Information Disclosure Statement

Applicants are submitting a Supplemental Information Disclosure Statement herewith. Applicants would appreciate the Examiner initialing and returning the Form 1449, indicating that the references therein have been considered and made of record in this case.

Rejection under 37 C.F.R. § 1.75

Claim 104 is rejected under 37 C.F.R. §1.75 as allegedly being a substantial duplicate of claim 14. Applicants respectfully traverse the rejection.

As discussed during the telephone call of August 17, claims 14 and 104 are of differing scope, because claim 104 recites “polynucleotides,” whereas claim 14 recites “DNA.” The Examiner reacted favorably to this point and indicated this would overcome the rejection.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 C.F.R. §1.75.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 252312007400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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